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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Application of:

Nesper, et al.

Patent No.: 7,674,280

Issued: March 9, 2010

For: IMPLANT FOR FIXING ADJACENT BONE PLATES

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) Application No.

) 10/731,284

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) Examiner:

) J Swiger, III

)

) Art Unit: 3775

)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as FIRST-CLASS MAIL in an envelope addressed to: MAIL STOP Patent Ext, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

April 12, 2010

By:


Denise Pastor

MAIL STOP Patent Ext.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER REGARDING PATENT TERM ADJUSTMENT

Dear Sir:

The Patent Term Adjustment listed on the Patent issued March 9, 2010 indicates a patent term extension of 1212 days. Patentees submit that the 1212-day patent term extension is thought to be longer than appropriate.

In particular, the patent term extension appears to have been calculated without consideration to Patentees' *Notice of Appeal* filed on January 7, 2008 and Patentees' *Request for Continued Examination* filed on April 7, 2008. Patentees believe that the patent term extension should therefore be **1060 days**.

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Basis for Adjustment

A Delay

U.S. Filing Date: December 9, 2003
Date of First Action: December 27, 2006

Examination (PTO) Delay of 686 Days

B Delay

3 year PTO Deadline to Issue Patent: December 9, 2006
Date of Notice of Appeal filed: January 7, 2008
Date RCE filed: April 7, 2008

Examination (PTO) Delay of 394 Days

C Delay

Date Applicant's Response due: January 4, 2008
Date Applicant's Response filed: January 7, 2008

Applicant Delay of 3 Days

Overlap

3 year PTO Deadline to Issue patent December 9, 2006
Date of First Action December 27, 2006

Total Overlap of 17 days

Conclusion

Total PTO Delay: 1080 Days
Total Applicant Delay: 3 Days
Total Overlap: 17 Days

Patent Term Adjustment = 1060 Days

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Should there be any questions concerning the foregoing, the Examiner is invited to telephone Patentees' undersigned attorney.

Respectfully submitted,


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Date: April 12, 2010
ATTORNEY DOCKET NO.: HOE-790